

Notice of Allowability

Application No.

09/977,871

Applicant(s)

HAWKINS ET AL.

Examiner

Art Unit

Raymond J. Bayerl

2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to papers filed 20 April 2005, 19 May 2005, 17 June 2005.
2. ☒ The allowed claim(s) is/are 1 - 22, 24 - 38.
3. ☒ The drawings filed on 14 October 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

RAYMOND J. BAYERL
PRIMARY EXAMINER
ART UNIT 2173

23 June 2005

Examiner's Comment—35 USC 120 priority

1. Applicant's petition filed 20 April 2005 to obtain priority under 35 USC 120 as a result of the present application's being also a CIP of US S.N. 09/374,095 ("the '095 application", filed 12 August 1999, now US Patent No. 6,516,202) has been considered by the Examiner. Applicant is entitled to the priority claim, insofar as a disclosure is presented in the '095 application that contains subject matter that carries forward to the present CIP of that application. The present application is correctly described as being a CIP of the '095 application.

The Examiner also notes, however, that the claimed invention to the extent that it involves using letter entry to derive subsets of names in a list does not explicitly appear in the '095 application, though a reference to such contact lists and speed dialing *per se* was previously disclosed. The Examiner further notes that the other CIP parent of the present application, US S.N. 09/668,123 (filed 21 September 2000, now US Patent No. 6,781,575) also does not contain disclosure of the letter-based search arrangement that is presently claimed. In considering claims directed to entry of first and second letters to reference first and/or last names, the Examiner therefore deems that the date of this particular invention was in fact that of the present application; 14 October 2001.

Reasons for Allowance

2. The following is an examiner's statement of reasons for allowance:

Applicant has retained claims 1 – 22, 24 – 26 as they were presented at the time of the previous notice of allowability that was mailed 17 February 2005. The reasons for allowability given at that time are reiterated for those claims:

Independent claim 1, in which a subset from a list obtained by entering a letter that is matched to first names is further filtered according to a second letter matched against last names is not taught nor suggested by the prior art of record, including Ben-Shachar et al. (US #6,557,004 B1; no suggestion that first and last names should be searched in this order), Raisanen (US #6,502,090; only a single name is successively accessed by the sequential entry of letters) and Baker et al. (US #6,405,172 B1; a voice-actuated contact searcher that does not use letter entry).

Independent claim 10, in which a particular set of wireless telecommunication screens are accessed by a first through fourth button while the buttons remain displayed, is also not taught nor suggested by the prior art of record, most notably Whipple et al. (US #5,917,905; a multiple panel arrangement for telephone functions that does not keep the 4 buttons displayed while showing a first interface) and Schnarel et al. (US #6,389,124; tab metaphor screen that does not have the 4 specific telecommunications screens claimed).

With applicant's filing of an RCE on 19 May 2005 comes new independent claim 27, which as supplementally amended on 17 June 2005 has "instructions stored in the one or more memory devices" that **"enable the one or more processors to select each record in the second subset based on any one or more of"** a first name from the first-entered letter and a last name from the second-entered letter and either a first or last name containing the first letter followed by the second letter.

While a reference such as Raisanen nominally discloses that letter entry sequences can narrow a subset of contacts according to the match between such

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sequences and a first or last name's initial letter-sequence, neither Raisanen nor the remaining prior art of record teach or suggest that an overall "computer system" should have enabled capacity also to handle the entry of letters for first and last name in sequence.

The allowability of independent claim 27 is therefore based upon a line of reasoning similar to that which had been advanced for the earlier presented independent claim 1, since independent claim 27's "one or more processors" are recited in the claim as having enablement for the three access modes, "**any** one or more of" which may be used, a positive limitation upon the structure of the "computer system". Raisanen, limited only to entering letters contained within a single name, is not additionally enabled to operate when the "one or more of" used for selection is a first/last name letter entry sequence.

3. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raymond J. Bayerl whose telephone number is (571) 272-4045. The examiner can normally be reached on M - Th from 9:00 AM to 4:00 PM ET.

5. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca, can be reached on (571) 272-4048. All patent application

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related correspondence transmitted by FAX **must be directed** to the central FAX number (703) 872-9306.

6. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-2100.



RAYMOND J. BAYERL
PRIMARY EXAMINER
ART UNIT 2173

23 June 2005